

Remarks

The Examiner's attention to the subject application is appreciated. The non-elected claims 25-30 and 35-38 have been cancelled. Claim 10 is amended to remove a redundant term and Claim 31 is amended to correct an informality. New apparatus Claim 39 and method Claim 40 have been added to further define the invention. Support for these new claims is found at paragraphs 0055 and 0058. Otherwise, the claims are being resubmitted unamended for the Examiner's further consideration as applicant considers that the claims patentably distinguish from the cited and applied prior art.

1. Claims 1-6, 8, 10-12, 17-24, 31 and 32 stand rejected under 35U.S.C.103(a) as being unpatentable over Tkacz, et al in view of Bowker, et al. Tkacz is said to disclose the claimed elements for printing work pieces disposed on pallets that move relative to a printing head. The Examiner acknowledges that Tkacz does not explicitly disclose a controller and a fixed laser selectively projecting a laser beam along a projection path to intersect the pallets, the pallets being movable relative to the laser. Bowker, et al is then cited as showing such a laser, the Examiner saying that it would have been obvious to modify the invention as taught by Tkacz, et al to include the laser as taught by Bowker, et al. Applicant respectfully disagrees.

The two references would appear to be mutually exclusive; one pertains to screen printing garments where there is physical contact made between the screen and work piece and the other to laser etching garments where there is no such contact. There is nothing in the references themselves that suggest the expedient of modifying one of the disclosures by adding the other to accommodate both the printing and the laser etching of a garment in a single operation. Accordingly, the combination proposed by the Examiner would appear to have its genesis in applicant's disclosure and not in the references themselves.

The present invention as claimed provides synergy by allowing the laser and printing operations to compliment one another. For example as set out in the specification at paragraphs 0055 and 0058, the laser can be used to retreat the

workpiece to condition it for printing. The laser also can be used in a post printing application among other things to cure or otherwise alter the ink after application including perforating the printed pattern (see paragraph 0066 and 0067). While the claims as filed provide the synergy as noted above, new Claims 39 and 40 now further exemplify the interaction of the recited elements.

The only treating operation disclosed by Tkacz, et al is a screen printing operation and no other operation is suggested or contemplated. By the same token, Bowker, et al, as referenced by the Examiner, simply teaches that it is advantageous to laser treat a garment. Nowhere does this reference suggest that the laser treatment be utilized in addition to any other treatment; laser etching is the only operation contemplated. Accordingly, it is not seen where there is any motivation in the references themselves for the suggestion of adding a laser treating operation to a printing operation as set out in applicant's claims.

The MPEP at section 2143.01 cites *In re Rouffet*, 47 USPQ1350 as holding that even though the proposed combination teaches every element of the claimed invention, without a motivation to combine, the rejection is improper.

Considering these references as a whole, one would be led to believe that the operations are mutually exclusive or at the least that printing and laser etching operations can not be done in utilizing a single apparatus and method as claimed. In particular, nothing suggests

- the Claim 1 apparatus including laser positioning "selectively projecting a laser beam along a projection path to intersect a pallet" with the "pallet being movable relative to at least *one of the laser and printing head*"
- the Claim 10 apparatus including a "pallet being movable relative to the screen *between a screening position and a spaced position*" with the laser positioned to project a beam "along a projection path *to intersect the pallet*" that is so movable; or
- the Claim 31 apparatus including a plurality of pallets movable relative to a plurality of printing heads "each pallet movable between a printing position and a non-printing position" and a laser positioned to project "a laser beam

along a projection path *to intersect the pallet, upon the pallet being in the non-printing position*" and certainly, nothing suggests

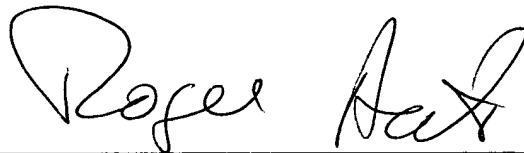
- the print head/laser relationship as set out in new independent Claims 39 and 40.

As the references do not suggest the apparatus as claimed, applicant considers that the method of Claim 20 and the features as set out in dependent claims 2-9, 11-19, 21-24 and 32-34 also are not obviated by the combinations of references proposed by the Examiner.

Accordingly, in view of the above amendments and comments, Applicant considers that the claims remaining in the case are in condition for allowance, which action is respectfully requested.

If, however, the Examiner feels any further issues remain, the Examiner is cordially invited to contact the undersigned so that such matters may be promptly resolved.

Respectfully submitted,



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